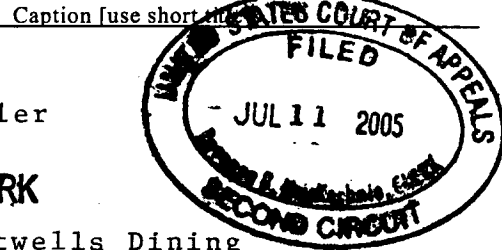


ORIGINAL

NDNY/ALNY
02-cv-1115
McAveyUNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500U.S. DISTRICT COURT
MOTION INFORMATION STATEMENT

N.D. OF N.Y.

FILED



Docket Number(s): 05-1169-CV

JUL 25 2005

Nestler

Motion for: Reactivation of Appeal

LAWRENCE K. BAERMAN, CLERK

Set forth below precise, complete statement of relief sought:
Pursuant to the Court-endorsed stipulation

ALBANY Chartwells Dining

of the parties, Appellants request that

their appeal be reactivated. Appellants

request 45 days to submit their appellate brief and supporting papers.

MOVING PARTY:

☐ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY:

MOVING ATTORNEY: Frances M. Nicastro

[name of attorney, with firm, address, phone number and e-mail]
fnicastro@littler.com

Littler Mendelson, P.C.

885 Third Avenue, 16th Floor

New York, NY 10022

(212) 583-9600

OPPOSING ATTORNEY [Name]:

[name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: United States District Court for the N.D.N.Y.

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☒ Yes ☐ No
B. been obtained? ☒ Yes ☐ No

Is oral argument requested? ☐ Yes ☒ No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☐ No
If yes, enter date
FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:Has request for relief been made below? ☐ Yes ☐ No
Has this relief been previously sought
in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

CERTIFIED

7/18/05

Signature of Moving Attorney:

Frances M. Nicastro

Date: July 18, 2005

Has service been effected? ☒ Yes ☐ No
[Attach proof of service]

ORDER

Treating this "motion" as a timely notice of reactivation, per stipulation, IT IS HEREBY ORDERED THAT the notice is timely, and shall be filed. The Clerk's office will send the reactivated file to Staff Counsel for issuance of a new scheduling order.

FOR THE COURT:

ROSEANN B. MacKECHNIE, Clerk of Court

Date:

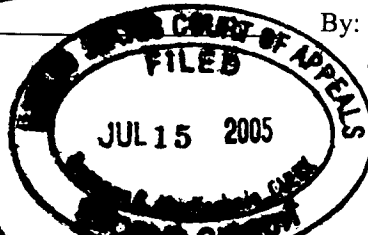
July 15, 2005

By:

Blair D. Bass
STAFF COUNSEL

Roseann B. MacKechnie, CLERK

Form T-1080 (Revised 10/31/02).



EMERY CLERK